

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ANDREW CHIEN,

Plaintiff,

v.

BARRON CAPITAL ADVISORS LLC,
ET AL.,
Defendants.

3:09-cv-1873(CSH)

ORDER REGARDING EVIDENCE OF COSTS

HAIGHT, Senior District Judge:

On December 1, 2011, this Court issued a ruling [Doc. 40] granting Defendants' Motion for Sanctions [Doc. 39]. That order stated that "[i]f Defendants intend to press the matter, they are directed to file within thirty days of the date of this Order sworn evidence of the costs associated with this litigation, including particularized evidence of any attorneys' fees complying with the requirements of *N.Y. State Ass'n for Retarded Children, Inc. v. Carey*, 711 F.2d 1136, 1147-48 (2d Cir. 1983)." On December 23, 2011, Defendants filed an Affidavit [Doc. 41] regarding those costs.

The Affidavit, however, does not comply with the requirements of *Carey* with respect to a claim for attorneys' fees. Further explanation of those requirements can be found in *Cruz v. Local Union No. 3 of the Int'l Brotherhood of Electrical Workers*, 34 F.3d 1148, 1160 (2d Cir. 1994) and *Handschu v. Special Services Division*, 727 F.Supp.2d 239, 249-51 (S.D.N.Y. 2010).

If Defendants wish to recover attorneys' fees in this matter, they are directed to file, on or

before March 6, 2012, affidavits and submissions that comply with the requirements of *Carey, Cruz,*
and *Handschu.*

It is SO ORDERED.

Dated: New Haven, Connecticut
February 6, 2012

/s/ Charles S. Haight, Jr.

Charles S. Haight, Jr.
Senior United States District Judge